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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Initial reports of States parties

ANDORRA*

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INTRODUCTION

The Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly of the United Nations on 18 December 1979, was ratified by the Andorran State on 16 October 1996 and published in the Butlletí Oficial del Principat d'Andorra (Official Gazette of the Principality of Andorra), No. 10, on 12 February 1997.

The Co-princes having signalled their consent as stipulated in article 45 of the Andorran Constitution, the provisions of the Convention entered into force on 14 February 1997 and were thereby fully incorporated into the Andorran legal system.

This document constitutes the initial report submitted pursuant to article 18 of the Convention. The report aims, first, to outline the measures taken by the Andorran public authorities since ratification of the Convention on the Elimination of All Forms of Discrimination against Women and, secondly, to portray the true situation of Andorran women. Various ministries and public institutions associated with the Andorran Government played a part in drafting this document, in which connection the information and documents provided by women's organizations also proved extremely useful.

In accordance with the guidelines of the Committee on the Elimination of Discrimination against Women, the report is divided into two parts. The first part provides general information on the Principality and information on respect for human rights in Andorra. In particular, it also contains a section devoted to the situation of women. The second part contains specific information relating to each individual provision of the Convention.

PART I

1. Topography

With a surface area of 468 square kilometres, Andorra is a small State situated between France and Spain. Occupying a marginal position in comparison with these two neighbouring States, it is an integral part of the extensive cross-border zone formed by the Pyrenees. Geopolitics have intrinsically ensured that Andorra plays a pivotal role at the regional level, thus shaping its very essence, formerly through traditional ways of life based on livestock farming which incorporated a system of seasonal migration to summer pastures and nowadays through ways of life based on service sector activities for which cross-border relations and cooperation are essential.

Consisting of narrow valleys, the terrain is mountainous and exceptionally hilly; only 4 per cent of the land is cultivable and only 1 per cent has been built on. Elsewhere in the country, the landscape is mostly undulating and comprises forests, pastures and areas with no vegetation on their highest parts, which are also covered in snow for over six months of the year. The climate is temperate and verges on the continental, with cold winters and relatively warm summers.

2. Historical introduction

The settlement of these valleys is age-old, in which sense the similarity with other areas of southern Europe is very close. The oldest discovered remains date back to 11000 B.C. and there are countless archaeological sites from the prehistoric periods of the Neolithic and Bronze Ages. Evidence of later periods, such as the Iron and Roman Ages, however, is confined to a few rare tokens of the passage of time in the Pyrenean mountain range. Owing to its narrow valleys which provide no opportunity for expansion and make passage difficult from one side of the range to the other, Andorra remained on the fringe of the large demographic movements which, from Neolithic times onwards, were more reminiscent of an invasion. The archaeological remains show, however, that the local population gradually increased in number as those times passed.

Despite the age-old settlement, it was not until 843 that the valleys of Andorra were first documented. That year, Emperor Charles II the Bald made the valleys of Andorra over to one of his loyal servants, Sunifred, then Count of Urgell. It was specifically during the medieval period and in the context of the European feudal system that the foundations were laid for the political and institutional system which would develop in Andorra through to the present time.

The political system in Andorra is that of a co-principality, a common arrangement in the European feudal context where power was shared between two feudal lords who maintained peace over a specific territory. This system, which is still in force today, was to develop between the ninth and thirteenth centuries.

By means of exchanges and successive gifts, the Bishopric of Urgell acquired sovereignty over Andorra. At the time, however, the bishops were not in a position to maintain control over its estates and therefore enfeoffed the valleys of Andorra from as early as the mid-eleventh century to a noble family of counts, the house of Caboet.

Following a succession of strategic marriage plans, the rights of Caboet passed to another noble family, the Castellbò, and then to the County of Foix, situated on the northern side of the Pyrenees. Throughout the thirteenth century, the powerful Count of Foix was involved in various disputes with his lord, the bishop, over the matter of Andorra's sovereignty, which culminated in the signature of the Pareages, an agreement whereby joint sovereignty over the country was vested in the two lords.

Henri III of Navarre became Count of Foix through his marriage to Marguerite de Valois. Later crowned King of France under the name of Henri IV, the rights of the crown thus reverted to the French monarchs and then passed in succession, through to the present day, to the Revolution, the Empire and the Republic. The co-princes assume their position as such by virtue of their office (Bishop of Urgell and President of the French Republic) and in their private capacity.

Some years on, the institutions of the Principality were structured and developed, on the one hand from the time of the Pareages, signed in 1278 and 1288, and on the other from the time of the establishment, in 1419, of the Land

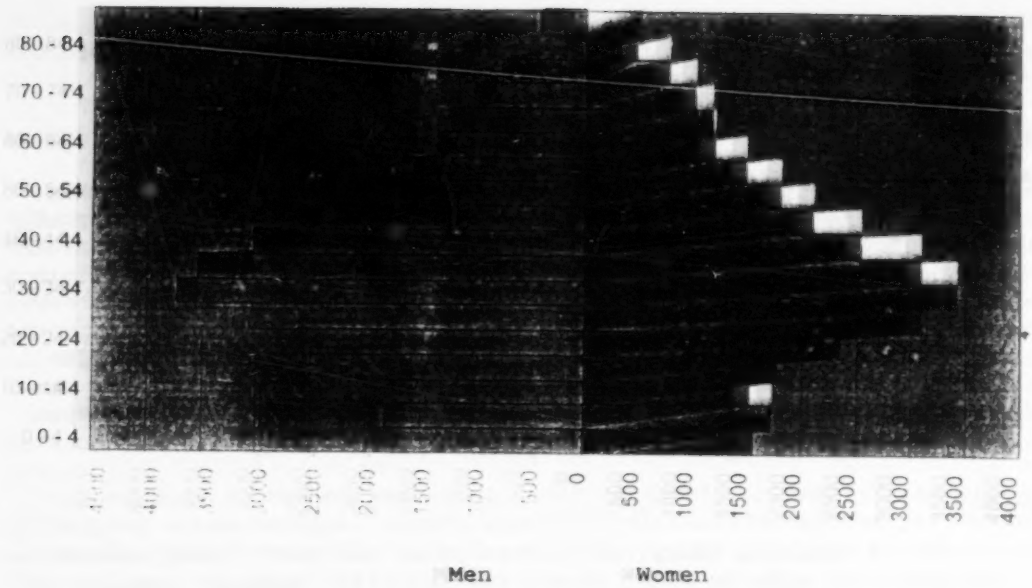
Council (the forerunner of the current General Council or Parliament of the Principality). The resulting principles helped to lay down a stable political framework which has permitted gradual development of the idea of the separation of powers: first of all, on the basis of the Decree on Institutional Reform of 15 January 1981 (which implied the establishment of the Executive Council or Government of Andorra) and then by virtue of the Constitution, which the Andorran people ratified by referendum and which was published in the Official Gazette of the Principality on 4 May 1993.

The text of the Constitution expressly devoted particular attention to other aspects of the political system, such as national sovereignty, the fundamental rights of the individual and public freedoms, the functioning of institutions and national and regional development, as a result of which it was possible to square the demands and requirements of a legally constituted modern State with respect for and the maintenance of national identity and tradition.

3. Population

In 1998, the population of Andorra stood at 65,877 inhabitants, a figure which increased twelve-fold during the second half of the twentieth century. This high growth has been primarily due to immigration, which, occurring at a rate of approximately 33.13 per 1,000 inhabitants, is a characteristic feature of the population, constituting as it does a key factor of demographic growth and a mainstay of economic development. According to M. Jesús Lluelles[1], restructuring is a constant feature which has a seemingly permanent impact on the make-up of the population. Over an 18-year period, the total population grew by 85.8 per cent, increasing from 35,460 inhabitants in 1980 to 65,877 in 1998. The make-up of the population by sex has also undergone various changes, but it is men who continue to dominate, even though the number of women has increased by 1.3 per cent.

[1] M. Jesús Lluelles (1999), "Economica i estructura de la poblacío" (Economy and structure of the population), Butlletí informatiu Banc Agricol, No. 122 (April 1999), Escaldés Engordany, Banc Agricol.



Age-sex composition, 31 December 1998.

Source: Ministry of the Interior.

By analysing the age pyramid, three entirely distinct sectors can be identified: the under-15 age group, representing 15.3 per cent of the total population; the 15-64 age group, representing 73.2 per cent; and the over-65 age group, representing 11.5 per cent. The 25-40 age group is clearly predominant and the average age of the population is 36 years. This age-sex structure is almost ideally matched to the needs of an economy based on the activities of the tertiary sector. With the assimilation of some of the immigrant population, however, the Andorran population demonstrates an ageing trend.

The composition of the population by nationality follows a pattern which is unique in the Western world in that the national population is in the minority. Sixty-six per cent of the population are non-nationals, who are mainly Spanish (43.7 per cent) but who also include Portuguese (10.7 per cent) and French (6.8 per cent), with a further 6.7 per cent consisting of 24 different nationalities.

3.1. Infant mortality

The infant mortality rate (death of children under one year of age) has constantly fallen over the last 30 years, reaching 5.2 per 1,000 in 1998.

3.2. Demographic rates

According to the most recent census (1998), the birth rate is 11.84 per 1,000 inhabitants and the mortality rate is 3.55 per 1,000 inhabitants. In 1998, the number of deaths stood at 155 for men and 81 for women. In addition

to the positive natural growth, the female fertility rate is 42.06 per 1,000 (excluding the figures for termination of pregnancy).

4. Religion

Historically, the Principality of Andorra is located in a Catholic domain, which is strengthened by the presence of the episcopal co-prince, the Bishop of Urgell. Although no real and objective data are available on the observance of religions apart from Catholicism, other faiths are also practised, not least in view of the extremely diverse origins of the population.

Article 11.3 of the Constitution, however, guarantees the Roman Catholic Church the free and public pursuit of its activities and the maintenance of its special relations of cooperation with the State in accordance with the Andorran tradition.

5. Education

The structure of Andorran education is both novel and most likely unique in that three systems exist side by side, namely the Andorran, Spanish (secular and denominational) and French systems, run respectively by the Andorran, Spanish and French Governments. They are all entirely free of charge and may also be freely chosen. Schooling is compulsory between the ages of 6 and 16. According to a study carried out by the Ministry of Health and Welfare, the academic achievement is comparable for both sexes, 57 per cent of the total population has a primary education or below and slightly over 11 per cent has a university education. The academic achievement of the youngest members of the population is higher than among the older members.[2]

6. Economy

For many years, Andorra was characterized by a subsistence economy based essentially on agriculture and livestock farming. During the 1930s, and coincidentally with the expansion of communication links, Andorra began opening up towards the outside world. In the 1950s, Andorra entered a period of prosperity in terms of both trade and tourism. A tourist infrastructure was then established which would inevitably be reflected in the country's features. At the end of that same decade, Andorra began to develop the winter sports sector in order to boost its commercial appeal. The Andorran fiscal policy is such as to allow the economy to develop and the agricultural economy to be replaced gradually by a service economy in which a commercial sector geared to external demand develops on the one hand alongside a financial sector on the other.

The strategic sectors of the Andorran economy are trade, tourism and financial activities. Trade and tourism should be regarded as complementary and

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[2] Ministry of Health and Welfare, National Health Survey of Andorra 1997, "Inégalités de genre dans les déterminants de la santé et l'utilisation de services de santé" (Gender inequalities in the determinants of health and the use of health services), Andorra, March 2000.

it is the combination of both which has nurtured a profound change in the Andorran landscape and its inhabitants.

The following figures show the significance of the trade sector: 4,875 retail trade activities in 1998 for a population of 65,877 inhabitants.[3]

Tourism is the economic activity which generates the most wealth in Andorra; in 1999, there were almost 9.5 million tourist visitors.[4] The country has a sizeable infrastructure of tourist services, with over 22,000 hotel rooms and a substantial number of tourist apartments and second homes. It now has seven ski resorts and a thermal spa, thus ensuring a constant flow of tourists throughout the year. During the 1997-98 season, revenue from skiing exceeded 11,680,000 Euros.

The country's financial flow is controlled by seven banks. In 1997, the total assets amounted to 10,370,000 Euros.

According to the estimates of Crèdit Andorrà - a bank of the Principality of Andorra - the national income stands at $1,123,300 and the per capita income at $17,185.70.

6.1. Sectoral structure and the employment market

Until the mid-twentieth century, agriculture and livestock farming were the largest sectors. At present, however, these activities are in such decline that efforts are being made to give them new impetus and match them to the economic and social environment of the markets. The cultivated land area is about 4 per cent of the total surface area. The employment created by this sector currently represents 0.6 per cent of the wage-earning population.

Comprising the primary and manufacturing industries, the industrial sector essentially consists of small- and medium-size enterprises which, in 1998, employed 21.7 per cent of the wage-earning population. Construction is the main industrial activity, employing 79 per cent of wage earners in the industrial sector.

In 1997, the tertiary sector, which forms the basis of the Andorran economy, employed 73 per cent of the wage-earning population. In 1997, the tourist sector (tourist services, businesses and the hotel trade) employed 10,697 persons, or in other words, 36 per cent of the wage-earning population. In that same year, 1,246 persons, or 4.5 per cent of the wage-earning population, worked in the financial sector.

The economically active population amounts to 44 per cent of the total population. Women represent 44 per cent of the wage-earning population and men 56 per cent.

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[3] Source: Department of Trade, Ministry of Economic Affairs.

[4] Source: Ministry of Tourism.

7. Political structure

The political system in Andorra is that of a parliamentary co-principality. The co-princes are the joint and indivisible heads of State and embody its highest representation. They are also the symbol and guarantors of Andorra's permanence, continuity and independence. Moreover, they ensure maintenance of the spirit of parity in the balance of relations with neighbouring States.

7.1. The co-princes

The co-princes perform the task of arbitrating and moderating in regard to the functioning of the public authorities and institutions. Other duties of the co-princes are to call general elections and referendums, to appoint the head of Government and the holders of office in other State institutions, and to approve and enact laws. They also declare the State's consent to enter into binding international treaties.

7.2. The General Council (Parliament of the Principality)

The General Council ensures that the national population and the seven parishes are jointly and equally represented.[5] It also represents the Andorran people, exercises the legislative power and approves the State budget, in addition to which it gives impetus to and monitors the political actions of the Government.

It comprises a minimum of 28 and a maximum of 42 general councillors, half of whom are elected in equal number for each of the seven parishes and the other half of whom are elected by national constituency. The General Council currently consists of 28 representatives. The general councillors are elected by universal, free, equal, direct and secret vote for a four-year term. The Office of the Speaker is the executive organ of the General Council.

7.3. The Government

The Government consists of a Cap de Govern (head of Government), elected by the General Council, and ministers appointed by the head of Government.

The head of Government is in charge of Andorra's national and international policies. He is also in charge of the State administration and exercises the statutory power.

7.4. The Comuns (local councils)

For administrative purposes, Andorra is divided into seven parishes. The Comuns are the organs which represent and administer the parishes. They are public authorities which have legal status and local regulatory powers.

Their executive organs are democratically elected by the Andorran population for a four-year term. Within the bounds of their territory, the

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[5] See paragraph 7.4.

Comuns determine and implement such public policies as fall within their competence and also manage and administer any property assets belonging to the parish (most pastures and forests being communal property).

7.5. Justice

Justice is dispensed in the name of the Andorran people by the batlles (judges) and by independent magistrates.

7.5.1. The Consell Superior de la Justícia (Higher Council of Justice)

This is the institutional organ which represents the judicial power. It is composed of five members appointed by the co-princes, the head of Government and the General Council, together with the batlles and magistrates. They have a six-year mandate and may be appointed no more than twice consecutively. The Higher Council of Justice exercises disciplinary authority and ensures the independence and proper functioning of justice, without necessarily exercising jurisdictional functions. It also appoints the members of the Office of the Public Prosecutor on the recommendation of the Government.

There are three jurisdictions, namely civil, criminal and administrative, each of which has two stages: one in which judgement is given in the first instance and another in which judgement is given on appeal.

7.5.2. The Batllia

This is the judicial institution of first instance in civil and administrative matters. In the case of criminal matters, it is the preliminary investigating organ and tries minor offences and petty criminal offences in the first instance, while none the less respecting the principle of separation between the preliminary investigation and the judgement.

7.5.3. The Tribunal de Corts

This is the judicial institution of first instance in the field of more serious offences. It is also the court of appeal for criminal decisions pronounced by the Batllia in the first instance.

7.5.4. The Tribunal Superior de Justícia (Higher Court of Justice)

This is the highest court in the judicial system of the Principality. It is competent to hear civil and administrative cases in the final instance and, in criminal matters, cases from the Tribunal de Corts involving serious offences.

7.5.5. The Office of the Public Prosecutor

This Department is not part of the judicial administration, even though it is closely connected with it. Its task is to represent society before the courts. It brings public prosecutions in criminal matters and ensures that fundamental rights and public freedoms are respected.

7.5.6. The Constitutional Court

This is the institutional organ responsible for safeguarding and interpreting the Constitution. It is composed of four magistrates, of whom one is appointed by each co-prince and two by the General Council. It deals with remedies of application for the unconstitutionality of laws, preliminary opinions on the constitutionality of laws and international treaties, constitutional protection proceedings and conflicts of jurisdiction between constitutional organs.

8. Protection of human rights

8.1. Incorporation of human rights instruments into the national legal system

A law of 29 March 1989 provided that the fundamental rights of the individual, as defined in the Universal Declaration of Human Rights of 10 December 1948, were to be incorporated into the legal system of the Principality. These rights therefore became an integral part of Andorra's internal system, although modern mechanisms for the protection of such rights were not established until the Constitution was approved in 1993.

The 1993 Constitution first of all prescribes that the Universal Declaration of Human Rights is binding in Andorra and, secondly, lists rights and freedoms at greater length and in more detail than does the Universal Declaration. These two lists of rights are thus part of the Principality's internal law and either may be immediately invoked and applied.

The human rights instruments contained in international treaties and agreements to which Andorra has acceded (in particular the European Convention on Human Rights of 1950) are incorporated into the national legal system when published in the Official Gazette. They therefore become internal law and may not be amended or repealed by law.

The Constitution provides that international treaties affecting the fundamental rights of the individual and regulated under Title II must be approved by an absolute majority of the General Council.

8.2. Direct application of fundamental rights

The Constitution of the Principality of Andorra not only lists rights and fundamental freedoms and provides for their development by law, but also stipulates that the rights and freedoms recognized in chapters III and IV of Title II are directly applicable and immediately binding on all public authorities. It further stipulates that their scope may not be limited by law and is protected by the courts.

It is particularly important to emphasize this provision, for while it is true that very few laws which develop human rights have so far been enacted, this provision, on the other hand, enables all the rights and fundamental freedoms contained in Title II of the Constitution to be directly invoked before the Administration and the courts whose task it is to protect them. The mechanism of directly applying the Constitution has hitherto functioned in

entirely normal fashion, both before the Administration and in court, and it is not unusual for court orders to allude directly to constitutional precepts in matters of fundamental rights.

8.3. Institutions responsible for monitoring the application of fundamental rights

As already emphasized, in the Principality of Andorra, the application of fundamental rights is ordinarily protected by the courts. Other than the ordinary courts, however, two further institutions are responsible for monitoring these rights. The first of these is the Constitutional Court through the remedy of application for constitutional protection. Applications for ordinary constitutional protection are lodged in advance of the final dismissal of a case by the ordinary court during preferential and urgent proceedings for the protection of human rights. Such applications may be lodged by anyone who was a plaintiff or co-adjuvant in the proceedings.

Applications for constitutional protection may also be lodged when the following rights are infringed during or at the time of court proceedings: the right to institute court proceedings and obtain a court order based in law, the right to due process, conducted by an impartial court already established by law, the right to defend oneself and obtain the advice of a lawyer, the right to be presumed innocent and be informed of the charge, the right not to declare oneself guilty and not to make self-incriminating statements and, in criminal proceedings, the right of appeal.[6]

The other institution responsible for safeguarding respect for human rights and fundamental freedoms is that of the Ombudsman. Acting as a delegate or representative of the General Council, his task is to protect and safeguard respect for and application of the rights and freedoms enshrined in the Constitution. In order to fulfil this task, he ensures that the action of the Public Administration is consistent with the general principles for protecting and safeguarding the rights and freedoms established by the Constitution and that it objectively serves the public interest.[7] The Ombudsman receives and follows up complaints from private individuals relating to the functioning of the Administration. He may also act without consultation.

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[6] Qualified Law* of the Constitutional Court of 3 September 1993, article 85.

[7] Law concerning the Establishment and Functioning of the Ombudsman of 4 June 1998, articles 1 and 2.

* Translator's note: A law which requires a higher majority for its approval than is normally the case.

8.4. Human rights remedies and the system for the compensation and rehabilitation of victims

Remedies in connection with the violation of rights are as provided for in section I, chapter two, of the Transitional Law of Judicial Procedures, which lays down the procedure in the event of the illegal detention referred to in article 9.3 of the Constitution, and in section II as to the procedure in the event of any abuse of the rights and freedoms recognized in chapters III and IV of the Constitution.

Article 40.2 of the Constitution also provides for remedies of application for constitutional protection before the Constitutional Court against acts of the public authorities which violate the essential rights referred to in chapters III and IV of the Constitution.

8.5. Judicial and administrative authorities with jurisdiction over human rights matters

The Constitution of the Principality of Andorra provides that the rights and freedoms recognized in chapters III and IV of Title II are directly applicable and immediately binding on all public authorities. It also provides that their scope may not be limited by law and is protected by the courts.[8]

Chapters III and IV of Title II of the Constitution of the Principality of Andorra list the fundamental rights of the individual and public freedoms as follows: the right to life, the right to physical and moral integrity, prohibition of the death penalty, the right to liberty and security, the right to institute court proceedings, the right to defend oneself and obtain the technical assistance of a lawyer, the right to trial within a reasonable period of time, the right to be presumed innocent and be informed of the charge, the right not to be compelled to declare oneself guilty, the right not to make self-incriminating statements, and, in criminal proceedings, the right of appeal, as well as the right of freedom of thought, religion and creed, the right of the freedoms of expression, communication and information, the right to respect of privacy, honour and reputation, the right to guaranteed inviolability of the home and the privacy of communications, the rights of assembly and peaceful demonstration for lawful purposes, the right of association and the right to form and run managerial, vocational and trade union organizations. Workers and employers also have the right to defend their economic and social interests. Also listed are the right to education, the freedom to teach and to establish teaching centres, the right to choose the type of education which children should receive, the right to move freely throughout the national territory and to leave and enter the country freely, the right to petition the public authorities, the right to vote, the right of equal access to public service and office and the right freely to create political parties.

Article 3.1 of the Constitution of the Principality of Andorra also provides that the Constitution is binding on all public authorities and citizens.

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[8] Constitution of the Principality of Andorra, article 39.1.

Each of the fundamental rights referred to in Title II of the Constitution is directly applicable and binding on all public authorities, irrespective of whether they perform legislative, executive or judicial functions. The public authorities are subject to such rights and are equally required to respect and protect the fundamental rights of the individual.

Fundamental rights are protected by the ordinary courts on the basis of special proceedings.[9] The rights and freedoms recognized in chapters III and IV of Title II of the Constitution are thereby protected.

Article 41.2 of the Constitution of the Principality of Andorra also protects the aforementioned rights by establishing an exceptional procedure of application for protection before the Constitutional Court (barring the case provided for in art. 22). The Office of the Public Prosecutor may legitimately lodge an application for constitutional protection in cases where the fundamental right to institute court proceedings is infringed. In regard to applications for constitutional protection before the Constitutional Court, article 92.2 of the Qualified Law of the Constitutional Court (a Qualified Law being a higher law which develops the rights and fundamental freedoms enshrined in the Constitution, as well as the functioning of institutions, and which requires a higher majority for its approval than is usually the case) states that implied in the overall assessment are the quashing of the sentence which is the subject of the appeal, together with all of its effects, the declaration that a constitutional right has been infringed and the reinstatement of the appellant's full right through adoption of the measures needed in order to do so. If the prejudice to the right is materially irreparable, the Court determines the type of responsibility of which the violator of the right is guilty so that a claim in regard to such responsibility may be lodged before the ordinary courts.

The Principality of Andorra is, moreover, a member of the Council of Europe. As such, it has ratified the European Convention on Human Rights, as well as Additional Protocols 6 and 11. The Andorran State has therefore incorporated all the guarantees established by these international instruments for the protection of the rights and freedoms recognized in the European Convention on Human Rights.

None of the fundamental rights recognized by the Andorran Constitution may be revoked other than by an amendment or the reform of the Great Charter.

Exceptionally, and in strictly legal cases, the conditions for the exercise of certain fundamental rights may be limited in accordance with the requirements provided for under article 42 of the Constitution:

> "1. A Qualified Law shall regulate all states of alert and states of emergency. The first may be declared by the Government in the event of natural disaster for a period of 15 days and shall be notified to the

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[9] Established under article 41.1 of the Constitution of the Principality of Andorra and regulated in articles 15 to 18 of the Transitional Law of Judicial Procedures of 21 December 1993.

General Council. The second shall also be declared by the Government for a period of 30 days, following prior authorization of the General Council, in the event that the normal functioning of democratic life is interrupted. Any extension of these provisions necessarily requires the approval of the General Council.

"2. During a state of alert, exercise of the rights recognized in articles 21 and 27 may be limited. During a state of emergency, the rights mentioned in articles 9.2, 12, 15, 16, 19 and 21 may be suspended. Such suspension of the rights covered under articles 9.2 and 15 must always be carried out under court supervision, without prejudice to the protection procedure established under article 9.3."

Article 64.1 (d) of the Constitution also establishes that treaties affecting the fundamental rights of the individual listed in Title II must be approved by the General Council by an absolute majority of its members.

In accordance with article 3 of the Constitution of the Principality of Andorra, once agreements and international treaties have been ratified and published in the Official Gazette of the Principality, they are incorporated into the Andorran sources of law with binding force and may not be amended by law. Accordingly, as soon as they are incorporated into the Andorran legal system, they become law which is applicable by the Justice Administration.

As already stated, other than the ordinary and specific legal remedies of application for the protection of existing fundamental rights, the General Council has established the figure of the Ombudsman as an extrajudicial guarantee and designed to be an office that gives an opinion and also exercises persuasion.

Although the Constitution of the Principality of Andorra does not explicitly include this particular institutional figure devoted to the protection of human rights and fundamental freedoms, the Andorran State decided, by means of the Law of 4 June 1998, to establish the figure of the Ombudsman. The Ombudsman is a fully independent institution charged with protecting the rights and freedoms enshrined in the Constitution and ensuring that they are respected and applied.

Although only recently established - the first Ombudsman was appointed in February 1999 - this institution has already explored a number of issues. In regard to the inadmissibility of discrimination against women, the Ombudsman has at present requested that a series of measures should be considered with a view to ending the social problem created by husbands who are violent towards their wives.

The ordinary courts, the Batllia, the Tribunal de Corts and the Constitutional Court also deal with matters relating to the fundamental rights referred to in the Constitution.

9. International treaties and the internal system

The Principality of Andorra has ratified the following international human rights conventions:

1. Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 4 November 1950 (entered into force on 22 January 1996);

2. Additional Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Strasbourg, 28 April 1983 (entered into force on 1 February 1996);

3. Additional Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Strasbourg, 11 May 1994 (entered into force on 1 November 1998);

4. European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Strasbourg, 26 November 1987 (entered into force on 1 May 1997);

5. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, Oslo, 18 September 1997 (entered into force on 1 March 1999);

6. Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption, The Hague, 29 May 1993 (entered into force on 1 May 1997);

7. Convention on the Rights of the Child, 20 November 1989 (entered into force on 1 February 1996);

8. Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly of the United Nations on 18 December 1979 (entered into force on 14 February 1997).

10. Information and publicity

Any ratification of human rights conventions by the Principality of Andorra is broadly publicized at the time of their submission to the General Council for approval and ratification.

All adopted texts are published in the Official Gazette of the Principality of Andorra, which is widely circulated.

The national press also reports such events and publishes informative and in-depth articles.

In addition, the opportunity provided by various international days (in celebration of human rights, women, the rights of the child and so on) is used to organize symposia and seminars or to publish comprehensive articles written by well-known national figures.

The commitment to raise awareness of and disseminate the Convention on the Elimination of All Forms of Discrimination against Women is an obligation which the Government must fulfil to society. To that end, following the example of other conventions and treaties, two methods of dissemination are used, namely publication in the Official Gazette of Andorra and in the national press.

11. Situation of women in Andorra

The overall status of women in the Principality of Andorra cannot be separated from the country's development over the past 50 years. The leap was made from an insular and predominantly rural society with an economy based on mountain agriculture towards a service-based society. This development produced a change in attitudes, which until then had been firmly rooted in custom, a change which was further accentuated by the huge influx of migrants with diverse origins. The constitutional principle of the inadmissibility of discrimination on the grounds of sex is respected in all matters relating to civil and political rights.

Andorran women enjoy legal capacity and the capacity to act and they fully exercise such capacities on equal terms with men. The various civil and criminal laws contain no provisions which discriminate between women and men in Andorra. The organizations which fight for equal rights for women have demonstrated on several occasions that article 13 of the Qualified Law of Marriage of 30 June 1995, in accordance with which widows and women whose marriages have been annulled or dissolved are required to wait 300 days before remarrying, is discriminatory. The existence of this article, which also appears in the civil codes of neighbouring countries, is justified by the concern to protect the rights of descent and succession of any descendants. It is easy, however, to appreciate the view of this article held by a certain section of civil society. This situation could be counteracted by following the example of neighbouring countries, in which case the restriction would be without effect as soon as the widow or woman in question presented a medical certificate attesting that she is not pregnant.

Times have changed and, assisted by Andorra's development, women have been gradually integrated into all areas of political, economic and social life. Since 1973, the year in which they obtained the right to be elected, women have become increasingly involved in political life, and while the situation is admittedly far from ideal, women are representec in all of the country's political orders. Following the last elections held in Andorra on 12 December 1999 to appoint the representatives of the Comuns (local council elections), three of the seven Cònsols Majors (mayors) and 12 councillors are now women.

Women clearly participate in economic life to a substantial degree and have broken into the world of work, although the inequalities between men and women have not apparently disappeared entirely. No figures to substantiate this claim are available, however. The main obstacles to drafting this report were the lack of sources and the difficulties involved in interpreting data. Any extrapolations must therefore be read with caution and should also be placed in perspective and modified accordingly.

In order to compensate for this lack, the Associacío de Dones d'Andorra (Andorra Women's Association), in cooperation with the Andorran National Commission for UNESCO, Crèdit Andorrà (a bank) and Grafinter (a publishing company), devised and sponsored a study[10] on the situation of women in the Principality of Andorra in the work, family and social fields.

This study leant towards the conclusion that the world of work is a world of inequalities between men and women: "the presence of women in some sectors is particularly poor", "in general, women carry out less skilled tasks" and "the onus of the important decision-making in companies falls essentially on men". As for remuneration, there is substantial discrimination, with average wage differences of 32 per cent to the detriment of women. Overcoming these differences will be no easy task when taking into account the findings of this study that women carry out the domestic chores and bring up their children almost single-handedly.

The preparation of this initial report has provided the Government of Andorra with an instant overview of the true situation of women in the Principality of Andorra, as a result of which it intends to enhance the status of women, narrow the differences and effectively combat any form of discrimination.

The Andorran State aims to carry out and propose real policies aimed at addressing the gaps which currently exist in the fields of recurrent training, part-time employment, child care and domestic roles. Such measures should benefit both women and men and promote equal opportunities.

With time and the help of awareness-raising, women's rights and recognition of the role of women in political, economic and social life are gradually gaining ground. The deep-rooted social and cultural attitudes of discrimination had already begun to change long before the Principality of Andorra adopted the Convention. Nevertheless, its ratification represents a further step in that direction. At the time of writing, the Government of Andorra is engaged in analysing the content of the Additional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

PART II

ARTICLE 2. OBLIGATIONS OF MEMBER STATES

In Andorra, the rights of women, as in the case of any other citizen, are guaranteed by the Constitution, articles 4, 5 and 6 of which proclaim as follows:

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[10] F. Camp (1999), La dona d'Andorra a l'entrada del 2000 (Women in Andorra at the dawn of the year 2000) [Current situation and proposals for the achievement of equality between women and men].

"Article 4

The Constitution recognizes human dignity to be inalienable and consequently guarantees the inviolable and imprescriptible rights of the individual, which constitute the foundation of political order, social peace and justice.

"Article 5

"The Universal Declaration of Rights shall be incorporated into the Andorran legal system.

"Article 6

"1. All persons are equal before the law. No one may be discriminated against on the grounds of birth, race, sex, origin, religion, opinions or any other personal or social condition.

"2. The public authorities shall create the conditions to ensure that equality and the freedom of individuals are real and effective."

Chapters III and IV of Title II of the Constitution additionally set out the fundamental rights of the individual and public freedoms. Article 3.1 also stipulates that the Constitution is binding on all public institutions and citizens.

Given that the fundamental rights contained in Title II of the Constitution are directly applicable and binding on all public authorities, irrespective of whether they perform legislative, executive or judicial functions. those authorities are subject to such rights and are equally required to respect and protect the fundamental rights of the individual.

On the basis of these constitutional principles, the Andorran State endeavours to ensure that no form of discrimination against women exists in any area.

The Principality of Andorra, moreover, is a member of the Council of Europe. As such, it has ratified the European Convention on Human Rights, as well as Additional Protocols 6 and 11. The Andorran State has therefore incorporated all of the guarantees established in these international instruments for the protection of rights and freedoms.

Accordingly, it has not yet been necessary for the Government of the Principality of Andorra to adopt any temporary legislative measures prohibiting any form of discrimination against women, since the principle of equality proclaimed by both the Constitution and the Andorran legal system is adequate and any law which was inconsistent with this fundamental principle would be repealed by the competent court.

ARTICLE 3. MEASURES RELATING TO HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The Principality of Andorra is still immersed in a process of transition and of bringing its traditional legal system into line with the standards set by the 1993 Constitution.

Society has demonstrated some evidence of responsiveness towards the female population that has been translated into action, primarily by non-governmental organizations, with a view to benefiting women as a group.

The Principality of Andorra has a fledgling administration which is now at the stage of establishing the organization needed to respond effectively to the needs of a society in change. As yet, there is no specific women's affairs department capable of performing the tasks of analysing and monitoring women as a group. It should be said, however, that each ministry is working on those areas which help to ensure that equality between men and women is a fact and not simply a right, even though it must be admitted that the activities in question are only limited. Despite the considerable degree of social consensus concerning the inadmissibility of discrimination against women, the actual impact of real and concrete protection is no more than modest and it is therefore vital to stress the need to strengthen further the coordination of all such activities.

It should be emphasized that, since approval of the Constitution, the awareness of individual rights has increased and the General Administration feels more concern to develop the field of legislation, which, without a doubt, will ultimately have positive repercussions for society in general and for women in particular.

In legislative terms, proof of such greater responsiveness to enhancing the status of women lies first in the approval, in 1995, of the Qualified Law of Marriage, which proclaims the principle of equality between men and women in and during marriage, as well as in the face of any subsequent changes in fortune. The second proof lies in the approval of the law amending articles 8 and 11 of the Decree of Permanent Delegates on Employment Contract Regulations of 15 January 1994 in response to the wish to bring concrete improvements to the situation of wage-earning women in the Principality of Andorra. The final proof lies in the signature, in 1996, of the Convention on the Elimination of All Forms of Discrimination against Women.

ARTICLE 4. SPECIAL ANTI-DISCRIMINATION MEASURES

The Constitution generally proclaims the principle of equality before the law and prohibits any discrimination on the grounds of birth, race, sex, origin, religion, opinion or any other personal or social condition. This principle, moreover, has the advantage of criminal protection, since the performance of any act of discrimination which is persecutory or which offends a person's dignity on the grounds of his or her origin, religion, race or sex, is characterized as an offence.[11]

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[11] Penal Code, article 313.

The Administrative Code also guarantees equality before the Public Administration and prohibits discrimination on the grounds of birth, race, sex, religion, opinion or any other personal or social consideration.[12]

The constitutional principle of equality is expressly reflected in the laws approved following the Constitution, such as the Qualified Law of Marriage, for example. Earlier laws which were not fully compatible with the Constitution have been amended or repealed in order to rectify the incompatibilities by direct application of the Constitution.

As for special measures aimed at protecting maternity, on 14 December 1995, the General Council approved the Law amending articles 8 and 11.1 of the Decree of Permanent Delegates on Employment Contract Regulations of 15 January 1994 and prohibiting dismissal with notice in the case of women during pregnancy.

ARTICLE 5. MODIFICATION OF DISCRIMINATORY SOCIAL AND CULTURAL PATTERNS OF CONDUCT

The study conducted by the Associacío de Dones d'Andorra reveals that Andorran society still harbours sexist attitudes towards women, even though such sexism is clearly more a function of age than it is of sex. Regardless of their sex, those in the 45-65 age group display sexist attitudes. The chief stereotypes are those concerning the relationship between work and family in cases where the woman works outside the home. The change in attitude towards the role of women in society is largely aided by the general availability of education to the whole population, as well as by the new social context and the integration of women into the employment market.

The study also shows that there is unanimity in regard to the right of women to:

- Receive the same salary as men for the same standard of qualification and for a given job;
- Attend university and follow training in order to pursue a vocation;
- Acquire political responsibilities;
- Inherit family property;
- Enjoy sexual freedom.

In Andorra, women are highly integrated into the world of work; the estimated employment rate is 62 per cent for women[13] and 67.5 per cent for men.

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[12] Administrative Code, article 21.

[13] Source: M.J. Luelles, "Mapping women's employment", Bulletí Informatiu del Banc Agricol, No. 120.

Despite improvements in the field of work and the opportunity to acquire any position of employment, some jobs still seem to be specifically destined for women. Even nowadays, jobs in the fields of health, administration and teaching seem more appropriate to women.

While it is true that gender is one element which may explain differences in working conditions, some inequalities are also explained by the sector of activity. The hotel and business sectors are those in which the most hours are worked and the lowest average salaries are earned.

In regard to children's education, article 3.3 of the Constitution states that both spouses have the same rights and duties and that all children are equal before the law, regardless of their descent. Rounding off this precept, article 10 of the Qualified Law of Marriage of 30 June 1995, which applies the principle of equality between men and women, states that marriage imposes on both spouses the obligation to maintain and bring up their children. The above-mentioned study by the Associacío de Dones d'Andorra, however, makes a point of stating that the mother's influence in child-rearing is absolute, whereas the father's influence is limited in the case of children under three months of age but increases as they grow older. Pursuant to article 12 of the Qualified Law of Marriage, parents have joint custody of children. In the event of dispute, the batlles (judges) generally award custody of children under seven years of age to the mother. In the case of older children, the children's own view is sought and although not the determining factor, their choice is generally respected as far as possible. Pursuant to articles 322 and 323 of the Penal Code, any person who ceases to fulfil his duties of aiding and assisting his minor children is punished with imprisonment up to a maximum term of eight months, as is any person who contravenes or obstructs court orders concerning the right of custody of minors, the exercise of visiting rights or the payment of maintenance.

The protection of women against violence is primarily guaranteed by the Constitution, article 8.2 of which states that everyone has the right to physical and moral integrity and that no one must be subjected to torture or to cruel, inhuman or degrading treatment or punishment. This article is complemented by article 39, which guarantees that the rights and freedoms recognized in chapters III and IV of Title II are directly applicable and immediately binding on all public authorities as directly enforceable law. It also states that their scope cannot be limited by law and is protected by the courts. The Penal Code also punishes offences of bodily harm with imprisonment for terms of up to 15 years.

In 1997-1998, the report of the Office of the Public Prosecutor emphasized as a positive statistic the substantial fall in sexual offences (-27.27 per cent), particularly against minor victims. Any optimism in this regard, however, should be underplayed, as the statistics are entirely dependent on the personal decisions of the victims to report such offences or conceal the truth about them. The figures available for 1997, 1998 and the first half of 1999 on violence against women clearly indicate that complaints to the police of ill-treatment and assault are rising each year, even though they are still fewer in number than those made in neighbouring countries.

	1997	1998	1999*
Murder	2	0	0
Attempted murder	1	0	0
Rape and assault	2	0	2
Sexual abuse and assault	10	9	2
Ill-treatment and assault	23	31	15

(* first half of 1999).

Source: Reports of the Office of the Public Prosecutor, 1997, 1998 and 1999.

In the face of this situation, the two women's organizations asked the Government to set up a refuge to cater for women who needed shelter. The Government is currently studying this proposal but believes, however, that prevention and communication policies should be developed before embarking on a project of such scale. To that end, the Ministry of Health and Welfare has started to draw up a protocol for coordination with the police departments, the Batllia and the Office of the Public Prosecutor. The aim of this endeavour is to improve measures and obtain data with a view to determining the necessary services appropriate to such cases on the basis of the problems identified (age, family situation, employment status and so on).

In his report for the second half of 1999, the Ombudsman also placed particular emphasis on the ill-treatment inflicted on women and requested the Government to introduce protective, complementary and incidental measures further to those already in place in the legal system.

ARTICLE 6. ELIMINATION OF THE EXPLOITATION OF WOMEN

Sexual offences are defined in article 204 et seq. of the Penal Code, which prescribes sentences of imprisonment up to a maximum term of 12 years. Such actions are deemed to constitute an offence when committed against minors aged 14, irrespective of the minor's consent, thus protecting the 14-16 age group. The penalty is augmented when the perpetrator is the ascendant, in which case the courts may additionally deprive the parents of their parental functions or guardianship. Article 213, paragraph 1, of the Penal Code characterizes in a general manner the offence of pornography, which is distinctly stated in paragraph 2 to be an aggravated offence with aggravation when committed against minors.

Articles 214 and 215 of the Penal Code prohibit prostitution and punish with imprisonment up to a maximum term of six years any person who encourages, facilitates or promotes the same. This penalty is augmented to 10 years if the victims are minors or if the offence is committed by abusing a position of authority or a relationship in which the victim is in a lower wage-earning or hierarchical position. Article 211 of the Penal Code punishes indecent exposure

or immoral behaviour with imprisonment up to a maximum term of 30 months when committed by a means of social contact or against a minor.

Article 228 et seq. of the Penal Code also regulate major offences against the freedom of persons which are punishable by a term of imprisonment of up to 20 years.

ARTICLE 7. EQUALITY IN NATIONAL POLITICAL LIFE

The participation of women in the country's political life is neither prohibited nor restricted by any legislative enactments or regulations. Both the Constitution and the Electoral Act ensure that Andorran women have the right to vote, which they obtained in 1970, and the right to be elected, which dates back to 1973.

Women participate actively in the political life of the Principality by exercising their right to vote or as candidates in general and local elections.

The data below show the extent to which women participate in national political life:

- At the last general elections, 3,447 votes out of 7,010 were cast by women, representing 49.2 per cent of the vote.

- In the present legislature, there is only one woman representative among the 28 general councillors on the General Council. At the last general elections, women appeared on each of the electoral lists for the national constituency of the parties which ran (three for Agrupament Nacional Democràtic, two for Nova Democràcia, six for Iniciativa Democràtica Nacional and two for Unió Liberal). Only three were placed in the five first positions on the lists. In the 1992-1993 legislature, on the other hand, four women were elected to the General Council, or in other words, 14 per cent.

- At the last local council elections in December 1999, three women were elected as mayors (Cònsols Majors) (42 per cent) and 12 are Comú councillors (12 per cent).

- In the Government, one of the eight ministers is a woman, who is head of the Ministry of Agriculture and the Environment.

- In the civil service, the various enactments (Civil Servant Regulations, Employment Regulations and the future Civil Service Act, which is currently in the drafting stage) do not discriminate in any way on the grounds of sex. A total of 835 women work in the General Administration, or in other words, 54.6 per cent.[14] The highest concentrations of women, however, are found in the Ministry of Education, Youth and Sports (85 per cent), the Ministry for Foreign

[14] Source: Department of Civil Service and Human Resources.

Affairs (80 per cent) and the Ministry of Health and Welfare (77 per cent).

- In the Administration, 10 of the 24 senior positions of office are held by women: there are two women technical Secretaries-General in the General Secretariat of the Government (one in the Department of Finances and the other in the Department of Civil Service and Human Resources), seven women Directors-General in the Departments of Immigration, Environment, Health and Welfare, Culture, Foreign Affairs, Education and Agriculture, and one woman who holds responsibility for introducing ambassadors.

- A total of 60 women hold managerial office in the Administration, representing 44 per cent of those in posts with economic, budgetary and human resource responsibilities and involving a substantial amount of decision-making in the procedures for implementing specific plans and programmes with comprehensive objectives. The breakdown by ministry is as follows:

Ministry	Men	%	Women	%	Total
Ministry of the Presidency and the Interior	29	55	24	45	53
Ministry for Foreign Affairs	0	0	1	100	1
Ministry of Finance	12	92	1	8	13
Ministry of Economic Affairs	6	100	0	0	6
Ministry of Planning	7	100	0	0	7
Ministry of Health and Welfare	2	25	6	75	8
Ministry of Education, Youth and Sport	7	24	22	76	29
Ministry of Tourism and Culture	5	50	5	50	10
Ministry of Agriculture and Environment	7	88	1	13	8

Positions of leadership in the General Administration.

Source: Department of Civil Service and Human Resources (1998).

Anachronisms in the station of men and women are evident in the positions of responsibility in the Administration and are most clearly visible in the Ministry of Health and Welfare and the Ministry of Education, Youth and Sports, thus reinforcing the idea that certain sectors are earmarked for women as a result of cultural and social conservatism.

Women have a significant place in the Administration, both in terms of the numbers already working there and in terms of the new recruits. Of the 141 new recruits (first half of 1999), 62, which is to say 44 per cent, were women. The breakdown by ministry was as follows:

Ministry	Numbers of staff			
	Women	%	Men	%
Agriculture and Environment	3	43	4	57
Education, Youth and Sport	20	67	10	33
Finance	4	36	7	64
Planning	1	6	16	94
Presidency and the Interior	14	28	36	72
Foreign Affairs	4	80	1	20
Health and Welfare	5	100	0	0
Tourism and Culture	11	73	4	27
Economic Affairs	0	0	1	100

There are various explanations for the high number of women working in the Administration. In Andorra, the employment market is essentially based on the unskilled service sector in which the working days and hours are extremely unpredictable. Women assume virtually the sole responsibility for children and for domestic tasks and employment in the service sector is scarcely organized to their advantage, whereas the Administration offers them fixed working hours.

In addition, women appear more ready to accept job positions for which they are over-qualified - and which are therefore more poorly paid - in return for the job stability and regular working hours offered by the Administration.

The representation of women in the justice sector is as follows:

- There is only one woman member of the Office of the Public Prosecutor (the Procurator General);

- Four of the nine batlles (judges) are women;

- The other judicial institutions (the High Council of Justice, the High Court of Justice, the Tribunal de Corts and the Constitutional Court) include two women magistrates among their members of the Criminal Chamber.

The participation of women in non-governmental organizations is in no way restricted under Andorran legislation. At this point, it should be emphasized that numerous women participate and hold positions of responsibility in political parties and organizations.

None the less, women should be further encouraged to participate in Andorra's political life, which, as the above figures prove, remains the apparent preserve of men. Notwithstanding the fact that the number of women active in this field is increasing, they should be given positions which enable them to be elected and efforts should be made to allow them to devote themselves more to political life.

ARTICLE 8. EQUALITY IN INTERNATIONAL POLITICAL LIFE

As in the other sectors of the civil service, the diplomatic corps is open to women and men, without discrimination of any form. Taking into account the following statistics, it is possible to characterize the Ministry for Foreign Affairs as one which is run virtually by women:

- The Ministry: 5 women (100 per cent);

- Offices abroad: Permanent staff: 10 women (77 per cent); counsellors: 3 women (60 per cent).

Of the nine ambassadors currently in post, five are women (55.5 per cent) and the Director-General in charge of the Ministry for Foreign Affairs is a woman.

Women participate in both bilateral and multilateral negotiations without discrimination and the Government systemically appoints women to the delegations negotiating on behalf of or representing the Principality of Andorra at international gatherings.

ARTICLE 9. EQUALITY BEFORE THE LAW ON NATIONALITY

In accordance with article 7 of the Constitution:

"1. A Qualified Law shall determine the rules governing the acquisition, loss and legal effects of Andorran nationality.

"2. The acquisition or retention of any nationality other than Andorran shall entail loss of the latter in accordance with the conditions and periods prescribed by law."

The Qualified Law of Nationality of 5 October 1995 does not discriminate in any way between men and women in regard to the acquisition, loss and transmission of nationality. Equal rights concerning the transmission of Andorran nationality had already been acquired in 1977 pursuant to the Nationality Code, which granted Andorran nationality to children either born in Andorra of an Andorran mother or born abroad provided that the Andorran mother was born in Andorra, as well as to any non-national married to an Andorran woman whose parents are non-nationals. Andorran women born of an Andorran father or mother have always passed on their nationality to their spouse and children.

The Qualified Law of Nationality of 1995, however, introduced essential changes by according the right of nationality by naturalization to those members of the population (men and women) who can be deemed to have assimilated on the basis of their years of residence in the country.

This Law provides that the following persons are Andorran:

- A child born in the Principality of Andorra if at least one of its parents is Andorran;

- A child born abroad if at least one of its parents is Andorran and was born in the Principality of Andorra;

- A child found in the Principality of Andorra whose parents are unknown;

- A child born in the Principality of Andorra whose parents are stateless or non-nationals and to whom foreign laws do not grant the nationality of either parent;

- A child born in the Principality of Andorra whose parents are non-nationals, provided that the permanent main residence of one of the parents was in the Principality of Andorra at the date of the child's birth and during the 10 years which preceded it. If this period of 10 years has not been attained on the child's date of birth, Andorran nationality is granted to the child on a provisional basis and must be confirmed before the child attains majority.

Article 10 of the Qualified Law of Nationality provides that "Andorran nationality may be acquired by persons who marry an Andorran national if they prove that their permanent main residence in the Principality of Andorra continued uninterrupted for at least three years before or after the marriage ceremony and if they provide proof of their assimilation into the Principality of Andorra."

Under the regulations in force in the Principality of Andorra, a woman married to a non-national is not obliged to adopt her husband's nationality. Article 19 of the Qualified Law of Nationality provides that persons who marry a non-national must renounce Andorran nationality if they adopt the nationality of their spouse.

ARTICLE 10: EQUALITY IN EDUCATION

As already mentioned earlier, the structure of education in Andorra is extremely particular in view of the co-existence of several free public education systems (Andorran, Spanish and French).

It should be stressed that girls have always had access to education. Belonging to the Catholic order of the sisters of the Sagrada Família, the first girls' schools were opened in 1882 with the authorization of the General Council, which decreed at the same time that every parish should employ a schoolmaster and a schoolmistress. The first French schools for boys and girls opened their gates in 1900. In February 1912, therefore, Andorra had 24 schools for a population of about 5,300 inhabitants. The breakdown of pupils was as follows:

- French schools: 64 pupils (boys and girls);
- Local schools with a schoolmaster: 324 boys and 30 girls;
- Local church schools: 92 boys;
- Congregational schools of the Sagrada Família: 205 girls.

It is the Constitution which is the first to guarantee the right to education by stipulating that:

"1. All persons have the right to education, the purpose of which should be the full development of the human personality and of dignity, while respecting freedom and fundamental rights.

"2. The freedom to teach and to establish teaching centres shall be recognized.

"3. Parents have the right to choose the kind of education which their children should receive. They also have the right for their children to receive moral or religious instruction in accordance with their own beliefs."

In addition, article 5 of the Constitution incorporates into the Andorran legal system the Universal Declaration of Human Rights of 10 December 1948, article 26 of which provides that:

"1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

"2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and

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friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

"3. Parents have a prior right to choose the kind of education that shall be given to their children."

Article 20 of the Constitution is developed through the Qualified Law of Education of 3 September 1993,[15] article 1 of which provides that:

"1. Every person has the right to receive a basic education which enables him to cultivate his own personality, to develop himself as a citizen and to participate in the development of the country.

"2. Every person also has the right of access to the higher levels of education on the basis of his aptitudes, progress and vocation."

The legislative enactments invariably refer to pupils or children without specifically mentioning their sex, bearing in mind that the classes in every teaching centre in the Principality are mixed and that girls and boys receive exactly the same education.

Schooling is compulsory between the ages of 6 and 16 and includes the primary and secondary levels of education. Children may, however, attend school from the age of three years if their parents or guardian so wish.

With a view to promoting access to education for all children in the Principality of Andorra, article 4 of the Education Act provides that:

"1. Basic education shall be compulsory and free for all citizens, nationals and legally resident aliens to the levels determined pursuant to article 7 of this Law. The State shall guarantee this right by means of public centres.

"2. Basic education shall be guaranteed for adults by means of the adult education system."

The agreements regulating the non-Andorran education systems also guarantee free and compulsory schooling between the ages of 6 and 16.

Although the country is small in geographical terms, a network of centres has been developed throughout the parishes by the different education systems in order to promote schooling. The school population, however, is concentrated in the parish of Andorra la Vella, since it contains the highest number of secondary education centres, lycées and vocational training centres.

For pupils who are obliged to travel to school, the Ministry of Education, Youth and Sport has set up a school bus service, as well as a school lunch service, and although neither is free of charge, they remain affordable. The

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[15] Butlletí Oficial del Principat d'Andorra, No. 51, Year 5, 28 September 1993.

Government grants allowances to any family which needs so that girls and boys are able to benefit from these services.

District	Boys	Girls	Total	Percentage
Canillo	55	58	113	1.22
Encamp	300	324	624	6.73
Pas de la Casa	111	116	227	2.45
Ordino	62	57	119	1.28
La Massana	270	240	510	5.5
Andorra la Vella	1 774	1 565	3 339	36.01
Santa Coloma	992	954	1 946	20.99
Sant Julià de Lòria	439	444	883	9.52
Escaldes-Engordany	744	767	1 511	16.3
Total	4 747	4 525	9 272	100

Geographical breakdown of the school population (1998).

Source: Ministry of Education, Youth and Sport.

1. Fundamental principles of the Andorran education system

The measures adopted by the Government in the field of education aim to provide an all-round education which allows personal development on an individual basis and also respects the rights and duties guaranteed by the Constitution.

Article 3 of the Qualified Law of Education describes the objectives of education as the following, without discriminating in any manner:

"1. To promote and encourage development of the pupil's personality;

"2. To encourage the acquisition of intellectual habits and work methods;

"3. To impart scientific, technical, humanist, artistic and ethical knowledge;

"4. To provide occupational training;

"5. To promote Catalan as the country's own language, taking care to ensure the achievement of correctness and a subtle and rich usage of spoken and written Catalan;

"6. To encourage a critical mind, as well as independence and adaptability, and to contribute to the enrichment of such cultural elements as are peculiar and specific to Andorran society;

"7. To encourage integration and social and civic participation;

"8. To educate children and young people to respect diversity, rights and fundamental freedoms, practise tolerance and freedom, and apply the democratic principles of friendliness and plurality."

At all levels of education, the content of each individual subject is adapted in order to achieve the above-mentioned objectives.

2. Organization of the Andorran education system

Article 7 of the Law of Organization of the Andorran Education System[16] sets out the different levels of education in the system, namely:

- Nursery education for children between three and six years of age.

- Basic education, which corresponds to compulsory education and consists of two levels: primary education for children between 6 and 12 years of age and secondary education for children between 12 and 16 years of age.

- The lycée, which is for teenagers between 16 and 18 years of age who have a secondary school completion certificate.

- Vocational training, of which there are two methods: classroom training and on-the-job training. This is available to pupils who hold a secondary school completion certificate or a certificate of secondary education if they fulfil the stipulated admission requirements.

- Higher education in Andorra is regulated by the University Act of 30 July 1997,[17] pursuant to which the University of Andorra was established. Any pupil having obtained the baccalaureate diploma or equivalent as recognized by the Administration may gain admission, as may pupils who fulfil the admission requirements and who pass the entrance examinations set for that purpose.

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[16] Butlletí Oficial del Principat d'Andorra, No. 48, Year 6, 13 July 1994.

[17] Butlletí Oficial del Principat d'Andorra, No. 53, Year 9, 20 August 1997.

- Basic adult education is for adults over the age of 16 who have been unable to sit the final secondary school completion certificate.

- In view of the diversity and plurality of the education systems in Andorra, the Andorran authorities created the Andorran Education Office with a view to ensuring that all children, whether boys or girls, who attend the country's schools acquire a similar knowledge of the Catalan language and of Andorran history, geography and institutions, in addition to music. Principals and teachers from the Ministry of Education, Youth and Sport therefore give all children attending schools in the non-Andorran systems several hours a week of lessons in the Catalan language, in Andorran history, geography and institutions, and in music, which are all subjects of academic merit.

- Article 8 of the Education Act provides that "attention to pupils with special needs shall be governed by the principle of integration." The Ministry of Education, Youth and Sport and the Nostra Senyora de Meritxell School consequently initiated a number of special programmes and programmes based on educational psychology for pupils with special educational needs of a serious and permanent nature.

2. The French and Spanish education systems

- The education offered by the French and Spanish systems in Andorra runs from the nursery to baccalaureate stages and is designed on the basis of the curriculum of the ministry of education in the respective countries.

Level	Boys	Girls	Total	Percentage
Nursery education	1 182	1 075	2 257	24.3
Primary education	1 827	1 711	3 538	38.2
Secondary education	1 243	1 198	2 441	26.3
Baccalaureate	338	429	767	8.3
Vocational training	108	74	182	2
Special education	49	38	87	0.9
Total	4 747	4 525	9 272	100

Breakdown of pupils by level in all education systems (1998).

Source: Ministry of Education, Youth and Sport.

The breakdown by sex in the different levels of education conforms to the stereotypes in Western societies. Boys are clearly in the majority in vocational training (59 per cent are boys and 41 per cent are girls), whereas at the baccalaureate level, there are more girls (56 per cent compared with 44 per cent for boys). Girls are more inclined to pursue a university education than boys. During the 1998/99 academic year, there were 793 girls (56 per cent) and 612 boys (44 per cent) among 1,405 university students.

Only recently established, the University of Andorra still offers no more than a limited range of subjects. Most students therefore move abroad to study, most often to France or Spain.

Country	Boys	Girls	Total
Germany		1	1
Andorra	94	125	219
Belgium		1	1
Canada		2	2
Denmark	1		1
Spain	363	481	844
United States of America	6	4	10
France	144	176	320
Great Britain	3		3
Netherlands	1		1
Switzerland		3	3
Total	612	793	1 405

Classification by country of study, 1998/99.

Source: Institute of Andorran Studies.

University/Centre	Boys	Girls	Total
Nursing School	3	54	57
Computing School	40	14	54
Estudis Virtuals d'Andorra	45	45	90
Lycée Comtes de Foix	6	12	18
Total	94	125	219

Number of university students in the centres of the Principality of Andorra, 1998/99.

Source: Institute of Andorran Studies.

Statistics confirm that female university students are more likely to choose subject branches relating to the education, health, human and social sciences, while males tend to choose subjects of a more technical nature.

Subject department	Boys	Girls	Total
Tourism	9	26	35
Education sciences	29	81	110
Health sciences	49	169	218
Experimental and mathematical sciences	59	49	108
Human and social sciences	60	152	212
Legal, economic and social sciences	223	241	464
Technical sciences	165	49	214
Communication and public relations	12	12	24
Total	612	793	1 405

Classification by subject department, 1998/99.

Source: Institute of Andorran Studies.

Subjects	Boys	Girls	Total
Law	84	105	189
Business sciences	36	42	78
Psychology	18	55	73
Nursing school	5	57	62
Administration and company management	36	21	57
Technical engineering in management computing	40	16	56
Castilian philology	7	39	46
Biology	16	24	40
Economy	23	16	39
Medicine	13	24	37
Total	278	399	677

Most commonly chosen subjects, 1998/99.

Source: Institute of Andorran Studies.

1.3. Staff

The staff employed by the Ministry of Education, Youth and Sport with a view to ensuring the proper functioning of the Andorran education system can be divided into four groups:

- Nursery assistants;
- Teachers;
- Administrative and/or educational management staff;
- Educational advisers and psychologists.

The criteria for staff recruitment are contained in the different regulations[18] and are in no way discriminatory on the grounds of sex.

There are significant numbers of women in the field of education. In the civil service, the Ministry of Education, Youth and Sport is the main recruiter (in terms of the number and percentage of civil servants) and is one of the four ministries employing the highest number of women, the others being the Ministry of Health and Welfare, the Ministry for Foreign Affairs and the Ministry of Tourism and Culture.

Centre	Directors		Teachers		Assistants	
	Men	Women	Men	Women	Men	Women
Andorran education system	6	11	35	184	3	52
French education system	11	10	89	208	12	56
Spanish education system	24	13	95	224	2	35
Total	41	34	219	616	17	143

Staff in the education systems in Andorra, 1998/99.

Source: Ministry of Education, Youth and Sport.

4. Education services

Whether boy or girl, every pupil in each of the education systems in Andorra is able to benefit from a range of cultural and sports activities. The School Skiing Office ensures that every schoolchild in the country has the opportunity to ski, an activity which is pursued by over 6,000 boys and girls.

[18] Regulations for Nursery Assistant Staff, Regulations for Teaching Staff and Regulations for Administrative and/or Educational Management Staff.

In addition to skiing, children are also able to practise other sports, such as athletics, team sports, ice-skating and swimming, all within the school context.

Furthermore, as part of an education project for all boy and girl pupils attending school in any of the education systems, the Cultural and Social Activities Office organizes different cultural activities throughout the year which are free of charge, such as performances of theatre, song and music, educational visits to exhibitions and meetings with authors.

The School Computing Office facilitates access for pupils to the information and communication technologies and provides the schools in each education system with materials and computer programmes. It also provides computer training for all teachers so that they are able to incorporate such technologies into their teaching.

Finally, through the School Health Office, the Ministry of Health and Welfare provides regular medical checks for the country's schoolchildren in order to detect any potential health problems that might affect their learning and development. The Office also organizes activities relating to health education and health promotion for all boys and girls in the different education systems.

ARTICLE 11. EQUAL RIGHTS TO EMPLOYMENT, MATERNITY AND WORK

Article 29 of the Constitution refers to essential aspects of the right of every person to work, without distinction as to sex: "All persons have the right to work, to promotion through work and to remuneration which is sufficient to ensure that workers and their families lead an existence befitting to human dignity. They also have the right to reasonable limitation of the working day, to weekly rest and to paid leave."

These aspects are already covered in full by the employment regulations which pre-dated the Constitution.

The regulations concerning the right to work in the Principality of Andorra are as follows:

- Decree on Employment Contract Regulations of 15 January 1974;
- Employment Regulations of 22 December 1978, subsequently amended on 28 May 1979, 26 June 1980, 25 April 1984 and 13 July 1990;
- The Law of 14 December 1995 amending articles 8 and 11.1 of the Decree of Permanent Delegates on Employment Contract Regulations of 15 January 1974.

The employment-related regulations make no explicit reference to any specific protection of women with a view to ensuring their access to employment, the reason being that the basic principle is always that of equality of men and women in terms of both the age of access to the world of work and the minimum required employment conditions. Title IV of the Employment Regulations, which governs the employment of minors, sets the age of access to the world of work at

18 years, without distinction between the sexes. It also sets the minimum employment conditions for minors aged between 16 and 18 years.

Article 1 of the General Regulations of the Andorran Social Security Fund also prescribes, without discrimination, that membership is compulsory for all wage-earners employed in Andorra.

Under the heading of "Women's employment", article 25 of Title V of the Employment Regulations expressly stipulates the inadmissibility of discrimination: "Women shall receive the same salary as men for equal work"; and article 3.4 of the Decree on Employment Contract Regulations states that: "Workers have the right to remuneration commensurate with the quantity and quality of their work. In all cases, it must be sufficient to ensure a free and dignified existence for both them and their families. Any discrimination in wages on the grounds of a worker's sex remains prohibited."

Women therefore have the same legal access to employment as men, despite the various gaps in the Employment Regulations (professional categories, promotion and so on) which affect them both equally.

Nevertheless, article 58, paragraph (d), of Title XI of the Employment Regulations, which covers health and safety conditions at work, can be construed as discriminatory if the moment in history when it entered into force, which is to say 1978, is not taken into account and if the provision is not read with due care. This article prescribes that a business "must ensure that every worker is aware of the risks entailed in his work and, in assigning tasks, must take into account the age, sex and qualities of those who are mentally and physically competent to perform them without peril." In order to avoid any ambiguity, if, at any time in the future, the Employment Regulations are amended or the legislation on health and safety standards is broadened, care should be taken to specify which jobs are hazardous. Alternatively, the word "sex" should be deleted and replaced by the word "pregnancy" or "lactation", these being situations where special protection is necessary in the case of some tasks which may entail risks for the woman and/or child. In the absence of any legislative amendments, the legal channel will ensure that the article is correctly interpreted and consistent with the principle of equality.

1. Right to equal remuneration

The Employment Regulations set the minimum pay conditions, including the guaranteed minimum wage, overtime pay and extra pay for night work, which are relevant to both men and women. Like all other wage-earners, women are thus guaranteed the minimum amounts which are deemed essential under the Employment Regulations and which cannot be waived. The assessment and taxation of such minimum amounts is the remit of the Labour Inspectorate.

Taking into account the sex of the wage-earner, the statistics currently available on remuneration are those published every month by the Andorran Social Security Fund. For two reasons, however, these data cannot be used as an indicator of whether or not there is wage discrimination.

First of all, they provide no details, as a result of which the basic wage, which should be the element used to determine whether or not there is discrimination, remains unknown. In addition, these statistics take into account the monthly basic wage, overtime payment plus various increases applied on the basis of the number of hours worked, the material benefits of housing and expense allowances, bonuses, commissions, bonuses for night work and so on. These are entirely different and variable concepts which also have a considerable bearing on the amount of contributions paid. Secondly, these statistics are put together on the basis of the sector in which the business making the declaration is included, without any consideration being given to the wage-earner's place of work. The result is therefore completely distorted, inaccurate and without merit, since it cannot conceivably be interpreted with any objectivity. The only possible conclusion to be drawn from analysing these statistics, without taking into account the sex of the wage-earners, concerns the wage difference between the various sectors.

	Number of wage-earners		Percentage of wage-earners		Average wage	
Sector	Men	Women	Men	Women	Men	Women
Primary	131	64	67%	33%	147 000	107 758
Raw industry	276	220	56%	44%	242 969	135 443
Construction	2 598	235	92%	8%	208 738	127 877
Construction services	1 967	221	90%	10%	206 996	142 665
Manufacturing industry	389	330	54%	46%	230 329	168 645
Garages	388	54	88%	12%	189 160	131 237
Food	751	533	58%	42%	197 253	137 879
Tourism	2 358	3 532	40%	60%	205 282	147 023
Services	2 036	1 517	57%	43%	200 677	150 433
Hotel trade	2 238	2 309	49%	51%	165 246	128 382
Tourist services	675	380	64%	36%	215 782	154 512
Finance and insurance	833	495	63%	37%	444 431	263 784
Liberal professions	254	419	38%	62%	224 294	152 966
Management	1 738	2 102	45%	55%	273 939	215 998

Number of wage-earners and wages by sector of activity (1998).

Source: Andorran Social Security Fund.

A number of conclusions can be drawn from the above table:

- The range of occupations is more restrictive for women than for men.

- Sectors such as the primary sector, construction and garages (occupations traditionally regarded as being physically strenuous) are predominantly male and some, such as management, are virtually all female.

- One feature common to all sectors is that the average wage is clearly lower for women than for men and sometimes considerably so, as in the case of tourist services.

2. Right to social security, particularly in the cases of retirement, unemployment, sickness and invalidity, as well as the right to paid leave

The Regulations of the Andorran Social Security Fund do not discriminate on the grounds of sex. As membership is compulsory, all workers, both men and women, are entitled to the assistance and financial allowances for which provision is made - retirement, sickness, accident, maternity and invalidity - provided that they fulfil the required conditions in regard to the payment of contributions. The only allowance which is not covered by legislation is unemployment benefit, an omission which affects both men and women alike.

The right to paid leave is covered under Title VII of the Employment Regulations, which prescribe, without discrimination, that paid leave is obligatory and that any agreement which entails surrender or waiver of the right to annual paid leave is invalid.

3. Right to protection of health and to safety in working conditions

Title V of the Employment Regulations, which governs the employment of women, stipulates the period of maternity leave and the period of rest for breastfeeding purposes. In addition, it expressly prohibits overtime work for women who are pregnant or breastfeeding as a measure to protect the health of the woman and child.

Article 44 of the Employment Regulations provides for one day of paid leave of absence in order to care for a sick child. Such leave may be taken by the mother or the father.

In general, the protection of women's health in instances other than pregnancy or lactation is the same as for any other wage-earner.

4. Prohibition of dismissal on the grounds of pregnancy or of maternity leave

Articles 8 and 9 of the Decree on Employment Contract Regulations of 15 January 1974 provide for two methods of dismissal: dismissal with a period of notice on the basis of the number of years worked in the enterprise and dismissal on the grounds of a worker's gross misconduct without any requirement of notice or compensation.

On 14 December 1995, the General Council approved the Law amending articles 8 and 11.1 of the Decree on Employment Contract Regulations of 15 January 1974 with the aim of "creating measures which allow true equal rights, or in other words, which increase awareness with a view to avoiding situations

of marginalization by protecting a woman's right to be a mother while still maintaining her place and category at work". This Law represents a considerable step forward in the improvement of women's working conditions and is fully consistent with the provision of the Convention. The Law affirms that the system of dismissal with a period of notice cannot be applied to women during pregnancy and stipulates that, in cases where a woman is dismissed by means of a letter giving a period of notice, she should, within 15 days, present a medical certificate providing evidence of her pregnancy, whereupon the dismissal is rendered invalid and ineffective.

It is unlikely that dismissal for which discrimination is the real reason might be concealed under the false guise of misconduct, since article 2 of the Law amending articles 8 and 11.1 of the Decree on Employment Contract Regulations of 15 January 1974 serves as a deterrent, stating as it does that "the unwarranted or undue dismissal of a woman during pregnancy shall incur compensation of not less than three months' salary per year of service in the enterprise. In determining the amount of such compensation, consideration should be given to any financial loss resulting from the lack of wages and maternity allowances received from the Andorran Social Security Fund, as well as any medicine or health costs which the woman wage-earner is required to pay following the loss of her rights from the Andorran Social Security Fund".

Andorran regulations are fully consistent with the provision of the Convention. Under the heading of "Protection of maternity", chapter 8 of the Employment Regulations regulates the right to maternity leave of 16 weeks, as well as the right to receive the cash and medical benefits stipulated by the Andorran Social Security Fund. It also states that, for a period of six months, a woman who is breastfeeding her child has the right to a two-hour work break for that purpose and the right to receive the corresponding pay. The Regulations of the Andorran Social Security Fund take these rules even further by proclaiming the right to medical allowances for maternity. By virtue of the "maternity book", women are entitled to four periodic medical check-ups and tests which are completely free of charge. The cost of medicines and other similar check-ups is reimbursed by the Andorran Social Security Fund in accordance with the usual rates applicable.

The promise of maintaining their place at work, as well as seniority rights and social benefits, is also fully guaranteed. At the end of maternity leave when the time comes to resume work, a woman may be dismissed in the same way as any man, the only requirement being the period of notice prescribed under article 8 of the Decree on Employment Contract Regulations. This probably has a greater impact on women in view of the social pattern of the division of labour whereby women assume a considerably higher volume of work - vocational and domestic - and in view of the difficulty of carrying out domestic responsibilities, caring for a sick child and so on, at the same time as holding down a job.

The Employment Regulations, however, still fail to provide any leave for the purpose of adoption or fostering from the time when the court decision is made. Nevertheless, it must be said that the administrations and the Andorran Social Security Fund have granted adoptive mothers the same period of leave as that given to biological mothers. Moreover, the Government has already

submitted a draft bill amending the Employment Regulations with a view to regulating periods of time off work for adoption purposes and incorporating them as maternity leave. This draft bill unfortunately allows only mothers to take time off work for maternity purposes.

Regrettably, the Employment Regulations make no provision for the introduction of measures aimed at strengthening the social support services needed to enable parents to combine their family commitments with their professional responsibilities and at encouraging, in particular, the establishment and development of a network of crèches.

At this juncture, it should be stressed that the Labour Inspectorate has noted significant problems in the world of work which stem from the difficulties of reconciling family and work commitments. In a country of tourist attractions, a large section of the population is employed in the business and hotel sector, which means that workers are more actively employed during the holiday periods and feastdays of neighbouring countries. Business hours are also longer at certain times of year. As a result, working hours are increased with ensuing repercussions on the family, as no accompanying measures are taken to restructure the hours of operation of public services, such as crèches and transport.

This is relevant to men and women alike, since the difficulties of reconciling family life and work are the same for both in theory, even if women are more affected in practice for the reasons already mentioned.

When all is said and done, the true burden of work is based on unequal competition between men and women and the disadvantage facing women on the employment market, despite the awareness of their equality as recognized by law.

The statistics available to the Labour Inspectorate on labour disputes fail to provide any information on the problem relating to women, as the questionnaires are completed anonymously and very often through an intermediary.

Frequent questionnaires are conducted concerning issues such as working hours, holidays and employment without a weekly break, which mainly affect the business and hotel sectors. Although these issues touch both men and women, their impact is greatest on women owing to the fact that it is they, in practice, who largely assume the family responsibilities.

By comparing the number of complainants by sex and the total wage-earning population based on the statistics of the Andorran Social Security Fund, the Labour Inspectorate has calculated that the percentage of women complainants is relatively significant, even though it is impossible to conclude from the tables produced that there is either a problem of discrimination or a problem specific to women.

1997

Total number of complaints: 204

Total official wage-earning population: 29,081

Sex	Percentage of complainants	Percentage of the wage-earning population
Men	57	56.3
Women	43	43.7

1998

Total number of complaints: 163

Total official wage-earning population: 29,081

Sex	Percentage of complainants	Percentage of the wage-earning population
Men	63.80	55.23
Women	36.20	44.77

A problematic sector of employment which the Regulations exclude from supervision by the Labour Inspectorate is that of domestic service, in which mainly women are employed on a full-time or hourly basis. The Decree on Employment Contract Regulations provides that this sector should be regulated in accordance with customary practice and, in the absence of any clear rules, abuses have sometimes been committed.

The aforementioned study entitled "Women in Andorra at the dawn of the year 2000" draws the conclusion that women are highly integrated into the world of work. Although the percentage of women with a university education is equivalent to that of men, fewer women hold management posts or positions of responsibility and the weight of important decisions in businesses falls mainly on men, regardless of age and educational attainment. Fifty-six per cent of women believe that it is reasonably if not extremely difficult for them to acquire positions of responsibility in comparison with men.

The study entitled "Gender inequalities in the determinants of health and the use of health services" corroborates these assertions and also underlines the fact that job insecurity is greater among women.

ARTICLE 12. EQUAL ACCESS TO HEALTH CARE SERVICES

The Constitution (art. 30) is the first to recognize the right to protection of health by means of a social security system guaranteed by the State. This right was already protected by the General Health Act of 20 March 1989. The entire population, without discrimination on the grounds of sex, has access to all health protection services.

Health in the Principality of Andorra is organized as a combined system based on social security and consisting of all the structures and services relating to hygiene, public health and individual and group health care that are directly linked to the General Administration and fall under its supervision. Finance and services are both jointly provided, as users normally pay part of the cost of services in public and private facilities, which are supplied by professionals who are either self-employed or in public service and by public and private institutions.

In the context of this definition, the duties relating to health care, hygiene and public health in the General Administration are divided as follows:

- The Government is responsible for planning and programming all health-related areas and for delivering hygiene and public health.

- The Andorran Social Security Fund is responsible for collecting contributions and financing the services received or used by beneficiaries.

- The Andorran Office of Health Care (SASS) is responsible for managing the publicly financed health services and for the duties specified in the Law Establishing the Andorran Office of Health Care, approved by the General Council on 23 December 1986.

In 1997, the National Health Survey of Andorra showed that 79.4 per cent of women in the Principality of Andorra perceived their state of health as good or very good.

According to the same survey, health services were most frequently used by women, 35.8 per cent of whom had visited or consulted a health professional during the two previous years, compared with 27.1 per cent of men.

The highest percentage of hospitalizations was also among women (17.6 per cent) rather than among men (13.3 per cent).

The percentage of women opting for preventive gynaecological care, however, has fallen since 1991.

	1991	1997
Regular gynaecological check-ups	63.80%	61.10%
Regular cervical cytology		55.60%
Mammography		35.60%

Source: Ministry of Health and Welfare.

Although we have no data on the subject, it is our belief that people are generally aware of contraception. There are no statistics on the use of contraceptive methods, but the National Health Survey showed that 60.3 per cent of individuals who had sexual relations during the previous year used contraception. This usage varies more on the basis of age group than on the basis of sex.

Age	Percentage of contraceptive use
15-29 years	87.10
30-34 years	65.80
45-59 years	35.90
60 years	4.70

Source: Ministry of Health and Welfare.

The frequency with which contraceptive methods are used is as follows:

Method	Percentage of use
Intrauterine device	7.5
Pill	48.7
Condom	46.8
Diaphragm	0.3
Tying of tubes	2.0
Vasectomy	2.1
Rhythm method	0
Coitus interruptus	3.1
Other	0.6

Source: Ministry of Health and Welfare.

The Penal Code (art. 185) punishes abortion with imprisonment up to a maximum term of 30 months for the mother and six years for the person who performed the abortion. Andorran women who wish to have an abortion travel abroad (in 1995, 100 Andorran women resorted to hospitals in Catalonia according to the information published in the press of the neighbouring country).

The practice of voluntary sterilization is decriminalized under the Qualified Law amending article 198 of the Penal Code. Unfortunately, the Ministry of Health and Welfare has no records on the subject.

In the Principality of Andorra, it is not compulsory for AIDS cases to be notified specifically as such. They must, however, be notified as a sexually transmitted disease, the figures for which must be communicated to the Ministry of Health and Welfare on a monthly basis. The available statistics are therefore inadequate and of little significance, produced as they were by a study carried out in 1996 which was designed to list the numbers of people with AIDS or the HIV virus who attended doctors' surgeries in the Principality.

	AIDS	Treated HIV	Untreated HIV
Men	2	2	14
Women		2	2
Children	3	3	9
Total	5	7	25

Source: Ministry of Health and Welfare.

The absence of records is due to the fact that the Principality of Andorra still has no data protection act, which is vital to guaranteeing confidentiality for sufferers. One of the Government's priorities for the year 2000 is to introduce such an act before Parliament.

Notwithstanding the lack of data, the National Health Survey of Andorra draws extremely interesting conclusions concerning both the perception of individual health and behaviour by sex.

Perception of individual health:

- A total of 82.7 per cent of men consider themselves to be in good or very good health. The proportion is lower among women (79.4 per cent). The perception of individual health is lower as people get older and also among women homemakers and women with family responsibilities.

- A total of 59.4 per cent of men and 78.6 per cent of women have a chronic disorder at the very minimum. The incidence rises with age.

- Women claim to have poorer mental health and lower energy than men.

- More men (44.4 per cent) are overweight than women (20.3 per cent), whereas obesity is similar for both sexes (5.5 per cent of men and 5.9 per cent of women).

Behaviour:

- A total of 48 per cent of men and 53 per cent of women are sedentary during their spare time and do not engage in any physical activities.

- A total of 43.7 per cent of men and 28 per cent of women smoke on a daily basis.

- There are more drinkers at risk among men (15.3 per cent) than among women (10.8 per cent).

One of the health programmes introduced with a view to improving services for women is the maternal and child welfare (MCW) programme, which the Andorran Office of Health Care established in 1993, in conjunction with the health centre network, in order to improve the care given to mothers and newborn babies.

A midwife works in cooperation with hospital midwives.

The main objective of this programme is to monitor women whose pregnancies are at risk, provide care for the mother when she returns home and carry out follow-up checks on the newborn baby.

Through the MCW programme, various activities are seen through to completion, either on the first visit or on follow-up visits.

As a matter of course, the MCW midwife visits any woman who has given birth for the first time on the day after her return home. Mothers who have experienced their second confinement or who have had several are visited by the midwife on the basis of certain criteria, namely at the explicit request of the woman, her gynaecologist or the hospital midwife.

The MCW midwife subsequently makes one or more follow-up visits which may take place in the family home or in the parish health centre attended by the family. During this visit, both the mother and the newborn baby undergo follow-up, which is particularly concerned with the child's feeding, feeding hygiene, housing and environment with a view to detecting any potential problems and reducing anxiety levels in new mothers.

The mother and child are later called for other follow-up visits to the health centre, where the newborn baby is weighed and measured and also undergoes a basic examination.

The follow-up of pregnancies at risk is passed to the MCW midwife by gynaecologists, by the primary care social services or by other services. In such situations, the number of visits required in each case is determined with view to carrying out checks and monitoring the problem. In most instances, the

main problems to be resolved concern women who are suffering from hypertension or diabetes, from the threat of premature birth or from multiple pregnancy.

In 1997, a total of 153 initial visits were made: 69 per cent to women having given birth for the first time and 31 per cent to other women having had two or more confinements.

The other programme implemented by the Andorran Office of Health Care, which is extremely useful for young people, is the Youth Consultation Service. The general objectives of this programme are, first of all, to prevent teenage pregnancies and, secondly, to prevent sexually transmitted diseases and AIDS. In 1998, it answered queries from 46 young people, of whom 28.2 per cent were boys and 71.8 per cent girls. The main reasons for consultation were as follows:

	Boys	Girls	Total	Percentage
Information on sex	7	5	12	18.46
Pregnancy test	0	9	9	13.85
HIV serology	6	5	11	16.92
Information on AIDS	0	2	2	3.08
Information on contraception	5	7	12	18.46
Post-coital treatment	0	12	12	18.46
Other	4	3	7	10.77

Source: Ministry of Health and Welfare (1998).

The Youth Consultation Service also offers a variety of prevention and health promotion activities through different settings: the consultation office, the telephone helpline (Tel: 865 015), schools and the community.

ARTICLE 13. OTHER AREAS OF ECONOMIC AND SOCIAL LIFE

The Andorran Social Security Fund practises no form of discrimination on the grounds of sex. In addition to coverage for sickness and medicines (the Fund reimburses 75 per cent of such costs), hospitalization (90 per cent) and work accident (100 per cent), women benefit from specific measures which apply during pregnancy and maternity.

Women homemakers may also receive these benefits if their spouse pays contributions to the Andorran Social Security Fund.

On the death of a spouse who was a member of the Andorran Social Security Fund, the widow or widower receives a pension calculated on the basis of the contributions paid by the spouse to the date of death.

Andorran legislation in no way discriminates on the grounds of sex in regard to the granting of bank credits, mortgages or any other form of financial credit. In any event, any discrimination which does exist is more attributable to social and economic causes than to gender.

Neither does Andorran legislation in any way discriminate against women in regard to their participation in leisure, cultural and sports activities. Various studies, however, show that women's leisure time is more focused around the family and that women pursue more home-based activities (such as reading and handicrafts), probably due to the fact they devote a greater amount of their time to household tasks, unlike men, who pursue a larger number of outdoor activities and practise more sport. None the less, women are able to practise any sport which they choose and approximately 2,000 women are members of one of the numerous sports federations in the Principality of Andorra.

In addition, 52 athletes, 15 of them women, took part in the last Games of the Small States of Europe held in Liechtenstein from 24-29 May 1999. Female athletes took part in the following competitive events: athletics, judo, swimming and tennis.

In every parish, the Comuns play a substantial part in enhancing the quality of life enjoyed by women. They organize cultural and sports activities at varying periods of time so that women who work or who have family commitments are able to participate. Each parish has crèches to cater for children between the ages of three months and three years and cultural and sports activities are organized for children outside school hours and during holiday times. Children also have access to local libraries and, in some parishes, after-school centres have been started that schoolchildren can attend from 5 p.m. onwards. The Comuns are also very sensitive to the welfare of older women and organize cultural, sports and leisure activities which are suited to their age. In some parishes, moreover, they have established a home help service for older people from which women gain the most benefit (80 per cent of users are women according to the information provided by the Comuns).

ARTICLE 14. RURAL WOMEN

Employing only 0.6 per cent of the economically active population, the agricultural sector currently plays a fairly marginal role in the Andorran economy. In the case of the Principality of Andorra, it is impossible to talk about rural areas as opposed to urban areas for a variety of reasons.

First of all, the whole country is moving towards a service economy, a process from which no area is excluded.

Secondly, Andorra's geopolitical structure, as a result of which the Comuns have numerous resources, has brought high economic growth and very apparent social improvements to even the most outlying areas. In each parish, the Comuns provide employment, as well as cultural, sports and leisure activities, for their inhabitants of both sexes.

It is therefore virtually impossible to say that there is discrimination against women in this field.

ARTICLE 15. EQUALITY BEFORE THE LAW

As already mentioned on several occasions throughout this report, the principle of equality before the law is a constitutional principle (art. 6) and women enjoy a legal capacity and the capacity to act on equal terms with men, capacities which they exercise in full. There is no legal obstacle to prevent a woman from freely administering her property.

The Constitution guarantees the right to freedom of movement on Andorran territory and the right to enter and leave that territory in accordance with the law. It also protects the right to the free choice of residence within Andorra (art. 21). This article applies in general to both men and women without distinction.

ARTICLE 16. EQUAL RIGHTS IN FAMILY RELATIONS

The Qualified Law of Marriage of 30 June 1995 proclaims in its explanatory statement the principle of the equality of men and women in marriage.

1. Marriage

Article 1 of this Act provides that men and women may enter into marriage and start a home. The consent of the contracting parties is a fundamental condition for the ceremony of marriage to take place. Article 26 stipulates that a civil marriage is invalid without marital consent.

The minimum age of marriage is 16 years for both men and women. Andorran legislation recognizes the freedom to conduct a ceremony of civil or church marriage.

Civil marriage ceremonies are conducted in public in the town hall, in the presence of two main witnesses and before the Cònsol Major (mayor) after the marriage has first been registered and the banns published. Religious marriages in the Principality of Andorra have full civil effects and their ceremony is governed by the same provisions as civil marriages.

Article 4 of the Qualified Law of Marriage provides for a prenuptial agreement and stipulates that, in the event of a conflict of laws, the system of maintaining separate estates takes precedence.

Both spouses have the same rights and are required to fulfil the same duties, namely:

- To support and raise their children (art. 4);
- To contribute to the household expenditure in accordance with the prenuptial agreement (art. 11);
- To determine their domicile by mutual agreement (art. 12.1);
- To exercise joint parental authority over their children (art. 12.2).

After marriage, Andorran women do not lose their name, which also passes to their children. Chapter 2 of the Civil Register Act of 11 July 1996[19] stipulates that the names of a newborn child shall consist of the paternal name first, followed by the maternal name. If, however, both parents so request at the time of registration, they may freely choose the order of names and register the mother's name as the first name, followed by the father's name.

2. Dissolution of marriage

The husband or wife may decide to break up the marriage, unilaterally or by mutual consent, under the same conditions as those regulated in chapters 7 and 8 of the Qualified Law of Marriage.

If the marriage is dissolved, the parental authority over minor children is shared between both father and mother. As already stated in article 5 of this report, in the case of children under seven years of age, the batlle (judge) as a rule awards custody to the mother. In the case of children over seven years of age, their own wishes are generally respected. Articles 322 and 323 of the Penal Code punish with imprisonment up to a maximum term of eight months any person who fails to fulfil his duties of assisting and aiding his minor children, as well as any person who contravenes or obstructs court orders concerning the right of custody of minors, the exercise of visiting rights or the payment of maintenance.

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[19] Butlletí Oficial del Principat d'Andorra, No. 57, Year 12, 14 July 1996.